

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 24, 2016

The Southeast Cass Water Resource District met on February 24, 2016, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Kurt Lysne and Lyndon Pease, Engineers for the Board; Alexa Ducioame and Kyle McCamy, Moore Engineering, Inc.; Arnold Jelinek, Dean Wills, and Bryce Peterson, Wanzek Construction, Inc.; Larry Nygard, Roers Construction; Matthew Stamness, Cass County Highway Department; and George Grossman, City of West Fargo.

**Approval of agenda**

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the order of the agenda, as amended.

**Minutes**

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the January 15, 2016, meeting.

**Sheyenne-Maple Flood Control District #1 – Sheyenne Diversion Low Flow Improvements - Application to Construct No. 2483**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to send a letter to Office of the State Engineer stating the Southeast Cass Water Resource District supports the proposed Sheyenne Diversion Low Flow Improvements Project in the NE 1/4 NW 1/4 of Section 20 in Barnes Township and recommends approval of *Application to Construct No. 2483*. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Projects – City of West Fargo Improvement District No. 1291**

City of West Fargo Improvement District No. 1291 consists of work in Brooks Harbor 5th and 6th Additions, including abandonment of a culvert at Sheyenne-Maple Flood Control District #2 and asphalt paving 21st Avenue West, filling of ditches along Sheyenne-Maple Flood Control District #1 and providing drainage via city storm sewer, and closing 21st Avenue West to vehicle traffic between Sheyenne Street and 9th Street West.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to send a letter to the Corps of Engineers with information regarding City of West Fargo Improvement District No. 1291, and requesting their review and consideration for approval of the project. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Projects – City of West Fargo Improvement District No. 2239 Phase I**

City of West Fargo Improvement District No. 2239 Phase I consists of work on 32nd Avenue West, from Sheyenne Street to Sheyenne-Maple Flood Control District #2, including roadway, multi-use path, ditch filling and storm sewer improvements.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Secretary-Treasurer to send a letter to the Corps of Engineers with information regarding City of West Fargo Improvement District No. 2239 Phase I, and requesting their review and consideration for approval of the project. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #1 – City of West Fargo Improvement District No. 1289**

City of West Fargo Improvement District No. 1289 consists of work on 8th Avenue NW and 26th Street NW along the south side of Sheyenne-Maple Flood Control District #1, west of Cass County Highway 19, including storm sewer and constructing a concrete road atop the south levee from 26th Street NW to Cass County Highway 19.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to send a letter to the Corps of Engineers, with information regarding City of West Fargo Improvement District No. 1289, stating the Southeast Cass Water Resource District approves the concept, and requesting their review and consideration for approval of the project. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #2 – Memorandum of Understanding – West Fargo Fire Department training**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Ohnstad Twichell, P.C. to prepare a *Memorandum of Understanding* between the Southeast Cass Water Resource District and the West Fargo Fire Department regarding training on Sheyenne-Maple Flood Control District #2 property. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #1**

Mr. Lysne reported to the Board that Riley Bros. Construction, Inc. is working with the North Dakota Department of Transportation on the Main Avenue bridge replacement

project over the Sheyenne River. It was moved by Manager Jacobson and seconded by Manager Yohe to authorize non-flood operation of Sheyenne-Maple Flood Control District #1, prior to March 7, 2016, until completion of the project, expected to be before June 1, 2016, regarding the Main Avenue bridge replacement project over the Sheyenne River. Upon roll call vote, the motion carried unanimously.

#### **Sheyenne-Maple Flood Control Projects – flap gate inspection**

George Grossman reported that a diver will be inspecting flap gates on the Sheyenne-Maple Flood Control Projects.

#### **2015 Drain #3 and #10 Channel Improvements Project**

Representatives present from Wanzek Construction, Inc. would like a resolution of the concerns they have about the amount of work completed regarding the 2015 Drain #3 and #10 Channel Improvements Project. Issues are hoped to be resolved by the next meeting. A punch list of specific items to be completed was issued to Wanzek Construction, Inc. and will be finished in the spring.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve and authorize the Chairman to sign the *Certificate of Substantial Completion*, with a completion date of January 15, 2016, for Wanzek Construction, Inc. regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Contractor's Application for Payment No. 6* for Wanzek Construction, Inc. in the amount of \$31,289.30, which includes withholding \$120,000.00 for liquidated damages, regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Quit Claim Deed* in accordance with the *Exchange Agreement* between the Southeast Cass Water Resource District and the Municipal Airport Authority regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

#### **Drain #3 – proposed Roers Construction Project east of University Drive**

Ohnstad Twichell, P.C has prepared a draft *Joint Powers Agreement* between the Southeast Cass Water Resource District, Roers Construction, and the City of Fargo and will submit it for approval once the engineering details are complete regarding the proposed Roers Construction Project, east of University Drive, adjacent to Drain #3.

#### **Raymond-Mapleton Township Improvement District No. 76 Project**

Additional minutes are attached hereto regarding Raymond-Mapleton Township Improvement District No. 76. The Board also concurred with the draft cover letter and ballot instructions presented by Sean Fredricks.

#### **Drain #21 – Cass County Highway 28 mill and overlay project**

Matt Stamness met with the Board to discuss a proposed change in alignment of the Cass County Highway 28 mill and overlay project that is adjacent to Drain #21 and crosses the drain at 13th Avenue South. The Southeast Cass Water Resource District would prefer to keep the original alignment due to possible reconstruction of the drain within the next few years. Mr. Lysne will talk with the City of West Fargo and the Cass County Highway Department regarding concerns.

#### **Drain #27 and #53 consolidation**

Additional minutes are attached hereto regarding the consolidation of Drains #27 and #53.

#### **Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee**

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Change Order No. 2* for Midwest Contracting LLC for a contract increase in the amount of \$4,807 regarding Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to pay the invoice in the amount of \$27,532.86 to Midwest Contracting LLC for water valve replacement regarding Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. Upon roll call vote, the motion carried unanimously.

#### **Drain #47 – Metro Flood Diversion Project inlet**

Mr. Pease reviewed the map of the Metro Flood Diversion Project inlet. The Corps of Engineers is designing the inlet structure. The Board wants to be sure to reserve its drainage rights regarding Drain #47.

Mr. Fredricks reported that a letter was sent to the Minnesota Department of Natural Resources regarding the Draft *Environmental Impact Statement* offering comments and information on behalf of the Cass County Water Resource Districts and any regulatory authority each board has with respect to the Metro Flood Diversion Project.

#### **Sheyenne River and Wild Rice River Snagging and Clearing Projects**

Mr. Lysne updated the Board on the Sheyenne River and Wild Rice River Snagging and Clearing Projects.

#### **Application No. 2482 for the Diversion Authority to construct the 2nd Street / Downtown – In Town Levees, Mickelson Levee Extension in the NW 1/4 SW 1/4 of Section 5-139-48**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to send a letter to the Office of the State Engineer stating the Southeast Cass Water Resource District supports the project outlined in *Application No.*

2482 for the Diversion Authority to construct the 2nd Street / Downtown – In Town Levees, Mickelson Levee Extension in the NW 1/4 SW 1/4 of Section 5-139-48 and recommends approval of the application. Upon roll call vote, the motion carried unanimously.

**State Water Plan for the 2017-2019 biennium – projects / programs to submit**

Moore Engineering, Inc. is compiling a list of projects / programs to submit for the State Water Plan for the 2017-2019 biennium. The matter will be discussed further at the next meeting.

**Items for review and comment, with input provided by the Water Resource District Engineer**

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Utility Permit* for Midco to install fiber optic cable under the Sheyenne River at 2nd Avenue West in West Fargo, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the *Request for Drainage on Highway Right of Way* for Hannahers regarding site improvements near the intersection of I-29 and Main Avenue in Fargo. Upon roll call vote, the motion carried unanimously.

It was moved by Manger Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- Correspondence from Fargo Department of Planning and Development
  - Southside 1st Addition
  - Urban Plains By Brandt First Addition
  - Schatz Fourth Addition
- Correspondence from West Fargo Planning
  - Eagle Run Plaza 5th Addition
  - Butler's 9th Addition
  - Eaglewood 5th Addition
  - Burlington 8th Addition

Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #12542 through #12543, Checks #12560 through #12580, the electronic funds transfers, wire transfers, and the debit card transactions, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer